

### **3000. Definitions.**

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Street gang refers to a gang as defined herein except that it is not a prison gang.

NOTE: Authority cited: Sections 2717.3, 5058, and 5058.3, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526, and 14837, Government Code. Reference: Sections 186.22, 243, 530, 532, 646.9, 653m, 832.5, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 4570, 5009, 5054, 5068, and 7000 et seq., Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3, and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; In re Bittaker, 55 Ca.App. 4th 1004, 64 Cal.Rptr. 2d 679; and Section 11007, Health and Safety Code.

### **Section 3375 is amended to read:**

#### **3375. Classification Process.**

(a) The classification process shall be uniformly applied, commencing upon reception of a person committed to the custody of the director and shall continue throughout the time the individual remains under the director's jurisdiction. Each inmate shall be individually classified in accordance with this article.

(b) The classification process shall take into consideration the inmate's needs, interests and desires, his/her behavior and placement score in keeping with the department and institution's/facility's program and security missions and public safety.

(c) Each determination affecting an inmate's placement within a institution/facility, transfer between facilities, program participation, privilege groups, or custody designation shall be made by a classification committee composed of staff knowledgeable in the classification process.

(d) The classification of felon inmates shall include the classification score system as established. A lower placement score indicates lesser security control needs and a higher placement score indicates greater security control needs.

(e) When possible, the inmate shall be given sufficient advance written notice of any classification committee hearing to provide the inmate reasonable preparation time to discuss the matter to be considered. An inmate appearing before a classification committee shall be informed of the inmate's next classification committee hearing date when it is known or can be anticipated.

(f) The classification of inmates shall provide the following procedural safeguards:

(1) Inmates shall be given written notice at least 72 hours in advance of a hearing which could result in an adverse effect. Adverse effect is defined as:

(A) Involuntary transfer to a higher security level institution/facility, which is not consistent with the inmate's placement score.

(B) Increase in the inmate's custody designation.

(C) Involuntary placement in segregated housing.

(D) Involuntary removal from an assigned program.

(E) Placement in a reduced work group.

(F) Involuntary transfer to another institution/facility because of the inmate's misbehavior or receipt of new information that may affect staff, inmates, the public, or the safety and security of the institution/facility, whether or not his/her placement score is consistent with the receiving institution's/facility's security level.

(G) Transfer of an inmate to a more restrictive institution or program where the security level is higher.

(2) Except as provided in subsection 3375(f)(3), the inmate shall be present at all initial classification committee hearings and at any other classification committee hearing which could result in an adverse effect upon the inmate.

(3) An in absentia (without inmate's presence) classification hearings may be held only when:

(A) The inmate refuses to appear before the committee.

(B) The inmate is physically incapable of appearing before the committee, or is determined by a psychiatrist to be mentally incompetent and cannot understand the purpose of the hearing.

(C) The purpose of the hearing is to:

1. Improve the inmate's conditions of confinement by reducing or removing a previously imposed restriction.

2. Approve an action requested in writing by the inmate.

3. Determine the need for scheduling, or to schedule, a future classification committee action.

(4) If the inmate was not previously notified and during the classification committee hearing an unanticipated adverse effect emerges, the hearing shall be postponed for a least 72 hours and the inmate shall be referred to the inmate's counselor for assistance when the inmate is illiterate, or the issues are complex unless:

(A) The hearing cannot be postponed because of safety or security factors.

(B) The inmate waives the 72-hour postponement.

(5) The inmate shall be permitted to contest the preliminary score or placement score in the hearing.

(6) Each inmate appearing before a classification committee shall be:

(A) Introduced to the committee members.

(B) Informed of the purpose of the hearing.

(C) Encouraged to participate in the hearing discussion.

(D) Informed of the committee's decision.

(7) Classification committee decisions shall be based on evaluation of available information and mutual agreement of the committee members.

(g) Every decision of a classification committee shall be documented on a CDC Form 128-G, Classification Chrono.

(1) All classification committee's documentation shall include, but not be limited to the following:

(A) The reason or purpose for the committee hearing.

(B) The action taken.

(C) The specific reasons for the action including the information upon which the decision was based.

(D) The inmate's stated preferred action, the reasons for the preference, and his/her agreement or disagreement with the committee action.

(E) If applicable, the use of any reasonable accommodation to ensure effective communication.

(F) If during the committee discussion, a member of the committee disagrees with a decision or the basis for a decision reached by the committee, he or she may provide language to the recorder to document his or her opinion for inclusion in the CDC Form 128-G.

(G) The reason(s) for the omission of any of the classification procedural safeguards identified in subsection 3375(f).

(H) If an in absentia hearing is held, reason(s) for the inmate being absent.

(I) The name, title, and signature of the committee's chairperson.

(J) The names and titles of staff who participated in the decision.

(K) The name, title, and signature of the committee's recorder.

(L) The date of the action.

(2) In addition to the preceding, documentation for transfer reviews shall also include the following:

(A) The inmate's requested transfer preference(s) and stated reason(s) for preferring that location.

(B) The institution to which the committee recommends transfer with an alternate recommendation, if different from those requested by the inmate, and the specific reasons for both recommendations.

(C) A statement of the inmate's work group upon transfer based on adverse on non-adverse transfer circumstances.

(3) When the inmate is treated under the mental health services delivery system (MHSDS) and is at the enhanced outpatient program (EOP) or the mental health crises bed (MHCB) level of care, regardless of the inmate's housing, a clinician is required as a committee member at all hearings. When the inmate is in segregated housing and treated under the MHSDS at any level of care a clinician is required as a committee member at all hearings. Documentation shall include, but not be limited to the following:

(A) The inmate's current medical/psychiatric status/level of care.

(B) MHSDS treatment needs.

(C) The inmate's ability to understand and participate in the classification hearing.

(4) In all hearings when the inmate is treated under the MHSDS and is housed in segregated housing, documentation shall include the requirements indicated in subsection 3375(g)(3) as well as the following:

(A) A clinical assessment of the inmate's likelihood of decompensation if retained in segregated housing.

(B) A summary of the clinical information provided by the clinician when an actively decompensating mentally ill inmate is recommended for transfer to a mental health program by the clinician and the decision of the committee is to retain the inmate in segregated housing.

(5) Documentation from each institution's initial classification reviews shall include the following case factors:

(A) Date of birth.

(B) Term Status (first, second, etc.)

(C) County(ies) of commitment.

(D) Commitment offense(s) (include parole revocation offense(s) resulting in good cause findings if a parole violator.)

(E) Length of sentence.

(F) When the inmate was received by the department for the current incarceration.

(G) County of last legal residence.

(H) Escape related conviction(s).

(I) Current or potential hold(s).

(J) Arson related arrest(s) or conviction(s).

(K) Sex-related arrest(s) or conviction(s) by date.

(L) The current placement score and security level.

(M) The reason(s) the inmate was transferred to the current location.

(N) Current eligibility status for special programs such as camp, minimum support facility, community correctional facility, community correctional reentry center, or restitution center. If not eligible, the reason for each shall be noted.

(O) Current assignments (including work group and privilege group).

(P) Enemy, gang, or disruptive group concerns.

(Q) The existence of, and committee review of, confidential information.

(R) Any medical/psychiatric/disability concerns, including tuberculosis tracking code and date of the most current documentation.

(h) An inmate shall be provided a copy of all nonconfidential staff documentation and reports placed in the inmate's central file.

(i) An inmate shall not remain at a institution/facility with a security level which is not consistent with the inmate's placement score unless approved by a classification staff representative (CSR) or a staff person designated to serve in that capacity.

(j) A CDC Form 839, (Rev. 12/02), CDC Classification Score Sheet, shall be prepared pursuant to section 3375.3 on each newly received felon.

(1) In completing the CDC Form 839, all relevant documents available during the reception center process shall be reviewed, the inmate shall be interviewed, informed of the purpose of the form, and be allowed to contest specific item scores and other case factors on the form. Factors for which documentation is absent or conflicting shall be discussed during the interview.

(2) The inmate is responsible for providing documentation to support their challenge of any information on the CDC Form 839.

(3) An effort shall be made to obtain verifiable documentation of all items on the CDC Form 839. The probation officer's report (POR) shall be the document of choice to resolve any conflicting information received. Credit shall be given only upon verifiable documentation and shall not be given based solely on an inmate's statements.

(4) A corrected CDC Form 839 shall be initiated when the inmate or another party presents verifiable documentation to support the change. When the change results in a placement score which falls into the range for a different facility security level, the inmate's case shall be referred to a CSR for transfer consideration.

(k) A CDC Form 840 (Rev. 12/02), CDC Reclassification Score Sheet shall be prepared pursuant to section 3375.4 as part of the regular, continuous classification process. If an inmate's recalculated placement score is not consistent with the institution/facility security level where the inmate is housed, the case shall be presented to a CSR for transfer consideration.

(1) A CDC Form 840 shall be completed:

(A) Twelve months after the date that the inmate physically arrived in the reception center and annually thereafter.

(B) Any six-month period when favorable points are granted or unfavorable points are assessed which would cause the inmate's placement score to fall outside of the facility security level.

(C) Each time a case is presented to a CSR for placement consideration.

(2) A CDC Form 841 (Rev. 12/02), CDC Readmission Score Sheet, shall be completed pursuant to section 3375.5 as part of the readmission process when a parolee is returned to prison.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code; Wright v. Enomoto (1976) 462 F.Supp. 397, and Stoneham v. Rushen (1984) 156 Cal.App.3d 302.

### **3375.1. Inmate Placement.**

(a) Except as provided in section 3375.2, each inmate shall be assigned to a facility with a security level which corresponds to the following placement score ranges:

(1) An inmate with a placement score of 0 through 18 shall be placed in a Level I facility.

(2) An inmate with a placement score of 19 through 27 shall be placed in a Level II facility.

(3) An inmate with a placement score of 28 through 51 shall be placed in a Level III facility.

(4) An inmate with a placement score of 52 and above shall be placed in a Level IV facility.

(b) An inmate approved for transfer to a subfacility of a complex may be received and processed through a facility with a security level higher than that which is consistent with the inmate's placement score. Such cases shall be transferred to the subfacility when bed space allows or, when appropriate, recommended for an administrative determinant which prohibits movement to the lower security level facility.

(1) The case shall be presented to a CSR for evaluation within 30 days of receipt at the facility unless the inmate is on an approved waiting list maintained by the complex for placement of inmates at the approved subfacility.

(2) The transfer of an inmate for more than 30 days from one subfacility of a complex to another subfacility which has a different security level, shall require a classification staff representative (CSR) endorsement. When the subfacility's security level is consistent with the inmate's placement score, the classification and parole representative may act as a CSR.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code; Wright v. Enomoto (1976) 462 F Supp. 397; and Stoneham v. Rushen (1984) 156 Cal. App. 3e 302.

### **3375.2. Administrative Determinants.**

(a) An inmate meeting one or more of the following administrative or irregular placement conditions, known as administrative determinants, may be housed in a facility with a security level which is not consistent with the inmate's placement score:

(1) An inmate requires an outpatient or higher degree of medical or psychiatric care at a facility specifically staffed for the type of treatment necessary.

(2) An inmate with a history of sex crimes designated in section 3377.1(b) shall not be housed in a Level I facility without perimeter gun towers nor shall they be assigned to a program or work detail outside any security perimeter unless under constant and direct supervision.

(3) An inmate with a history of arson shall not be housed in a facility constructed primarily of wood.

(4) An inmate with a felony hold, warrant, detainer, or the equivalent thereof filed with the department who is likely to receive a significant period of consecutive incarceration or be deported, shall not be housed in a Level I facility without perimeter gun towers.

(5) An inmate requires confidential placement in a city or county confinement facility within the state.

(6) An inmate serving a sentence of life without possibility of parole shall not be housed in a facility with a security level lower than Level IV, except when authorized by the Departmental Review Board.

(7) An inmate serving any life term shall not be housed in a Level I or II facility if any of the following case factors are present:

(A) The commitment offense involved multiple murders, unusual violence or execution-type murders or received high notoriety.

(B) A history of multiple walkaways, an escape from a secure perimeter or an escape with force or threat of force.

(8) An inmate serving a life term without an established parole date of three years or less, shall not be housed in a Level I facility nor assigned to a program outside a security perimeter.

(9) An inmate serving a life term whose placement score is not consistent with a Level I or II security level shall not be housed in a Level I or Level II facility except when approved by the Departmental Review Board.

(10) An inmate whose death sentence is commuted or modified shall be transferred to a reception center for processing after which the Departmental Review Board shall determine the inmate's initial facility placement.

(b) The following three-letter codes are used to indicate those administrative or irregular placement conditions known as administrative determinants, which may be imposed by departmental officials to override the placement of an inmate at a facility according to his/her placement score.

(1) AGE. Inmate's youthfulness, immaturity or advanced age.

(2) ARS. Current, prior conviction, or a sustained juvenile adjudication, as defined in subdivision (b)(25), for arson.

(3) BEH. Inmate's record of behavior indicates they are capable of successful placement at a facility with a security level lower than that which is consistent with his/her placement score. This factor shall not be used for an inmate who is currently housed at a facility with a security level higher than that which is consistent with his/her placement score.

(4) CAM. Placement is recommended due to a shortage of camp qualified inmates.

(5) DEA. Inmate was formerly or is currently sentenced to death.

(6) DEP. Special placement ordered by the Departmental Review Board.

(7) DIS. Inmate's disciplinary record indicates a history of serious problems or threatens the security of the facility.

(8) ENE. Inmate has one or more enemies under the department's jurisdiction which have been documented on a CDC Form 812 (Rev. 8/01), Notice of Critical Case Information--Safety of Persons or on a CDC Form 812-C (Rev. 8/01), Notice of Critical Information--Confidential Enemies pursuant to section 3378. This should also be used when it is probable that the inmate may be victimized due to case factors; e.g., the nature of their offense is likely to create an enemy situation at certain facilities, current Protective Housing Unit case, and those who are natural victims because of their appearance.

(9) ESC. Unusual circumstances suggest the inmate is a much greater escape risk than indicated by his/her placement score; e.g., the inmate verbalized an intent to escape.

(10) FAM. Inmate has strong family ties to a particular area where other placement would cause an unusual hardship.

(11) GAN. Documentation establishes that the inmate's gang membership or association requires special attention or placement consideration.

(12) INA. Documentation establishes that the inmate's inactive gang status requires special attention or placement consideration.

(13) HOL. Hold, warrant or detainer is likely to be exercised.

(14) LIF. Inmate is serving a life sentence and requires placement in a facility with a security level higher than that indicated by his/her placement score.

(15) MED. Inmate's medical condition requires treatment or continuing medical attention not available at all facilities.

(16) OUT. Inmate requires placement at a specific facility for an out-to-court appearance. This factor shall also be used when a releasing authority appearance is nearing.

(17) POP. Shall be used only by a CSR to indicate that no beds presently exist at a facility with a security level that is consistent with the inmate's placement score.

(18) PRE. The short time remaining to serve limits or otherwise influences placement or program options for the inmate. This factor shall also be used for sending an inmate to a hub facility for their release to a community based correctional facility.

(19) PSY. Inmate's psychological condition requires special treatment or may severely limit placement options. This factor shall also be used for those inmates who are designated as Category B.

(20) PUB. High notoriety of an inmate has caused public interest in the case and requires exceptional placement.

(21) SCH. Inmate is involved in an academic program which is not available at a facility with a security level that is consistent with his/her placement score.

(22) SEX. Inmate has a prior incidence of rape, oral copulation, sodomy, or a lewd and lascivious act which requires restricted custody or placement.

(23) SOR. Inmate's bisexual or homosexual orientation may require special placement.

(24) TIM. Inmate's time to serve is long, requiring placement at a facility with a security level higher than that which is consistent with his/her placement score.

(25) VIO. Inmate has a current or prior conviction for a violent felony, or a sustained juvenile adjudication including, but not limited to, those listed under Penal Code Section 667.5(c), which, as determined by the CSR, requires placement in a facility with a higher security level than that indicated by his/her placement score.

(A) For the purposes of this subdivision, a "sustained juvenile adjudication" means a guilty determination or ruling rendered in a juvenile judicial proceeding.

(B) The following administrative determinations regarding allegations of violent acts, including but not limited to those offenses described in Penal Code Section 667.5(c), shall have the same force and effect as a current or prior conviction for a violent felony or a sustained juvenile adjudication:

1. Board of Prison Terms or Parole Hearings Division good cause finding, or;

2. California Youth Authority / Youthful Offender Parole Board sustained allegation

(C) A probation violation finding in a court of law involving, but not limited to those offenses described in Penal Code Section 667.5(c), shall have the same force and effect as a current or prior conviction in a court of law for a violent felony,

(26) VOC. Inmate is involved in a vocational program which is not available at a facility with a security level which is consistent with the inmate's placement score.

(27) WOR. Inmate has a work skill in a critical trade which warrants special placement consideration.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code; and Sandin v. Connor (1995) 515 U.S. 472; Madrid v. Gomez (N.D. Cal. 1995) 889 F.Supp. 1146; Wright v. Enomoto (N.D. Cal. 1976) 462 F.Supp. 397; and Stoneham v. Rushen (1984) 156 Cal.App.3d 302.

#### **Section 3375.3 is amended to read:**

#### **3375.3. CDC Classification Score Sheet, CDC Form 839, Calculation.**

The factors and related numerical weights used to determine an inmate's preliminary score are listed below. Box numbers appear to the right, but refer to the first box on the left of each field.

(a) Background factors (Boxes 30-46):

(1) Age at first arrest (Boxes 30-31).

(A) Calculate the inmate's age at first arrest based on the date of the inmate's first arrest. If there is no record of arrests prior to the commitment offense, use the date of arrest for the commitment offense as the date of the inmate's first arrest on

CDC Form 839 (Rev. 12/02), CDC Classification Score Sheet.

(B) When the age of first arrest is determined, round down to the full year, and apply that information to the age at first arrest matrix on CDC Form 839.

(C) Enter the corresponding point value in boxes to the right.

(D) Enter all single digit numbers in the box to the far right.

(2) Age at Reception (Box 32).

(A) When the inmate's age at reception is determined, round down to the full year, and apply that information to the Age at Reception matrix.

(B) Enter the corresponding point value in the box to the right.

(C) This is always a single digit value.

(3) Current term of incarceration (Boxes 33-34):

(A) Length of term. Presentence and postsentence credits shall not be subtracted from length of term. A sentence of death or life without possibility of parole shall result in a maximum score of 50. For sentences of 25 years-to-life for murder, the base term is 25 years. For sentences under Penal Code section 667.7 with a term of life without parole for 20 years, the base term is 20 years. For all other life sentences, the base term is 15 years. Any enhancements or determinant terms for other counts or offenses to be served consecutive to a life term shall be added to the base term before calculation of the term score.

(B) Enter term in whole years within the parentheses.

1. Multiply the number of years by two (2).

2. Enter this value in Boxes 33-34.

3. Any single digit value is entered in the box to the far right.

4. If the score is more than 50, then 50 shall be used as the final term score.

(4) Street gang/disruptive group (Boxes 35-38). For the purpose of preliminary score evaluation, if there is information that the inmate is or has been involved in gang activity, enter 6 points in Box 35.

(A) Type of street gang/disruptive group code. Apply the code that most closely identifies the inmate's gang. Enter the appropriate alpha code in Boxes 36-37.

1. CR Crip street gang/disruptive group.

2. BL Blood street gang/disruptive group.

3. NH Northern Hispanic street gang/disruptive group.

4. SH Southern Hispanic street gang/disruptive group.

5. AS Asian street gang/disruptive group.

6. BD Bulldogs street gang/disruptive group.

7. WH White supremacists, neo nazi, skinheads, etc., street gang/disruptive group.

8. BK Black street gang/disruptive group (not Crip nor Blood).

9. MC outlaw motorcycle clubs street gang/disruptive group.

10. OT other street gang/disruptive group not listed.

(B) Method of verification code (Box 38). Apply the code that is most indicative of gang activity. Enter the appropriate alpha code in Box 38:

1. Code A – Self admission.

2. Code B – Tattoos and symbols. Body markings, hand signs, distinctive clothing, graffiti, etc., which have been identified by gang coordinators/investigators as being used by and distinctive to specific gangs.

3. Code C – Written material. Any material or documents evidencing gang activity such as the membership or enemy lists, constitutions, organization structures, codes, training material, etc., of specific gangs.

4. Code D – Photographs. Individual or group photographs with gang connotations such as those which include insignia, symbols, or validated gang affiliates.

5. Code E – Staff information. Documentation of staff's visual or audible observations which reasonably indicate gang activity.

6. Code F – Other agencies. Information evidencing gang activity provided by other agencies. Verbal information from another agency shall be documented by the staff person who receives such information, citing the source and validity of the information.

7. Code G – Association. Information related to the inmate's association with gang affiliates.

8. Code H – Offenses. The circumstances of an offense evidence gang activity such as an offense being between rival gangs, the victim is a verified gang affiliate, or the inmate's crime partner is a verified gang affiliate.

9. Code I – Legal documents. Probation officer's report or court transcripts evidencing gang activity.

10. Code J – Communications. Documentation of telephone conversations, mail, notes, or other communication, including coded messages evidencing gang activity.

(5) Mental Illness (Boxes 39-43). If a CDC 128-C, (Rev. 4/92) Mental Health Placement Chrono, has been prepared in the reception center that indicates that the inmate needs to be included in the Mental Health Services Delivery System (MHSDS), except for a case designated as Medical

Necessity, enter four (4) points in Box 43 to the right.

(A) Do not assess points for a case that has been designated Medical Necessity although the inmate is included in the MHSDS.

(B) Level of care (Boxes 39-42). Enter an "X" in the box that indicates the level of care (LOC) that has been designated by the reception center health care staff per the inmate's CDC 128-C.

(6) Prior sentences (Box 44). This item requires a review of the probation officer's report (POR) and the CI&I/CLETS in order to identify prior sentences of 31 days or more. Apply no more than one point.

(A) Jail or county juvenile sentence of 31+ days (Box 44).

1. Count any sentence of 31 days or more. Do not include suspended sentences.

2. Count any incarceration under a delinquency petition which involves a crime rather than "status offender" placements. For example "beyond parental control" should not be counted. Burglary, however, would be counted.

3. Count CDC placements for diagnostic evaluation pursuant Penal Code Section 1203.03 "Z" cases, followed by a grant of probation.

(7) Prior Incarceration(s) (Boxes 45-46)

California Youth Authority, state or federal level juvenile, which includes state or federal facilities for juvenile offenders (Box 45).

CDC, California Rehabilitation Center, adult state, federal level (Box 46):

1. Count any state or federal level incarceration.

2. Count previous commitments to the civil addict program.

(8) Score A Correction to CDC 839 Score Sheet (Prior to Rev. 07/02) (Boxes 47-49)

1. The Score Adjustment boxes are provided for the purpose of recording any corrections or adjustments to the CDC Form 839 after it has been endorsed and entered in the computer system. Use this section to correct a CDC 839 score sheet with a form revision date prior to 07/02.

2. This area shall not be used for changes or adjustments to term points.

3. Enter only the total score adjustment correction to the score, either negative or positive, in the boxes provided.

(b) Prior Incarceration Behavior (Boxes 50 through 64):

(1) Last 12 months of Incarceration (Boxes 50-52). Prior incarceration behavior in any correctional agency shall include the last 12 consecutive months in custody, prior to the date that the inmate was received in CDC, going as far back

as necessary to attain a total of 12 months. This includes behavior while in county jail, after conviction, or during transportation to the reception center. For example, behavior while incarcerated in juvenile hall, federal prison, or while serving a civil addict commitment shall also be counted.

(2) Twelve months of incarceration is also defined as 360 days. For ease and consistency of rule application, a month is considered a 30-day month.

(A) Only misbehavior which is equivalent to a serious rule violation, as defined in section 3315, shall be recorded.

(B) If the inmate has a prior incarceration of 12 months or more but adequate documentation of the inmate's behavior is not available, four (4) favorable points shall be granted

1. If behavioral information becomes available later, these items may need to be corrected.

(3) Favorable prior behavior (Box 50):

If the inmate had no serious disciplinary(s) in the last 12 months of incarceration(s), four points shall be entered in Box 50.

If there is no record of unfavorable prior behavior, enter four (4) favorable behavior points in Box 50.

(4) Unfavorable prior behavior (Boxes 51-52).

(A) For each serious disciplinary in the last 12 months of incarceration(s), four points shall be entered in Boxes 51-52.

(B) Serious Disciplinary History (Boxes 53-64).

A single serious disciplinary may result in the assessment of points on the classification score sheet for more than one factor listed in subsections 3375.3(b)(4)(C) through (H). Assess points for behavior for which the inmate was found guilty and for behavior that occurred during any prior incarceration, if the behavior meets the definitions below even if it occurred beyond the last 12 months of incarceration.

(C) For each battery on a nonprisoner or attempted battery on a nonprisoner, eight points shall be entered in Boxes 53-54.

1. Battery shall include any offense described in section 3005(c).

(D) For each battery or attempted battery on an inmate, four points shall be entered in Boxes 55-56. Assessments shall only include situations where one or more inmates are clearly the victim.

(E) For each involvement in the distribution of any controlled substance, per subsection 3323(c)(7), into a jail or correctional facility for distribution and sales, four points shall be entered in Boxes 57-58. Points shall not be assessed for incidents of personal use or possession of a small quantity of drugs.

(F) For each possession of a deadly weapon:

1. Four points shall be entered in Boxes 59-60 for each well documented incident of an inmate's manufacture or possession of a deadly weapon where apparent use was intended (Does not include possession of commonly available and unmodified objects unless used as a weapon and this fact is documented in the disciplinary hearing process.) Include possession of a razor blade (whether modified or not) in a segregated program-housing unit (e.g. Administrative Segregation Unit, Security Housing Unit, Psychiatric Services Unit, etc.); or,

2. Eight points shall be entered in Boxes 59-60 for each possession of a deadly weapon incident, which occurred within five years of the inmate's reception to the department on current term.

(G) For each instance of deliberate and willful behavior which might lead to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, as described in section 3005 (typically, this involves a leadership role in a facility riot, racial disturbance or work strike), four points shall be entered in Boxes 61-62.

(H) For each battery that caused serious injury, 16 points shall be entered in Boxes 63-64. Inmates who conspired in or ordered the battery shall also receive these points.

1. Serious injury is that which is defined in section 3000

2. Any attempt, which may have been life-threatening but circumstances such as heavy clothing prevented the homicide, shall be included.

(c) Preliminary Score (Boxes 65-67).

(1) The inmate's preliminary score is entered in Boxes 65-67 and is the result of adding the total points derived from background factors in subsection (a) with the total points derived from prior incarceration behavior in subsection (b).

(2) Right-justify the total score.

(3) Computations, which result in a minus value, shall be entered as zero.

(d) Mandatory Minimum Score, Score Factors, and Score Factor Codes (Boxes 68-70):

(1) A mandatory minimum score is a score that is applied to an inmate who has a case factor that requires that he/she be housed no lower than a specific security level.

(2) A mandatory minimum score factor is a case factor that requires the application of a mandatory minimum score.

(3) A mandatory minimum score factor code is an alpha code associated with a mandatory minimum score factor.

(A) If an inmate has a case factor that requires the application of a mandatory minimum score factor code, enter the code that applies in Box 68.

(B) If one or more mandatory minimum score factors are present, determine which of the factors is associated with the highest score and enter that code in Box 68.

(C) Enter the mandatory minimum score that corresponds to the selected code in Boxes 69-70.

(e) Placement Score (Boxes 71-73).

(1) If there are no case factors that require a mandatory minimum score, enter the preliminary score as the placement score.

(2) If a mandatory minimum score has been applied, and it is greater than the preliminary score, enter the mandatory minimum score as the placement score.

(3) If a mandatory minimum score has been applied, and it is less than the preliminary score, enter the preliminary score as the placement score.

(f) Classification Staff Representative Action (Boxes 95-159):

(1) The CSR determines appropriate housing in keeping with departmental needs, safety and security, the inmate's placement score and administrative determinants. The three-letter codes from section 3375.2 shall be used to indicate the administrative determinants.

(A) Up to five administrative determinants may be entered in Boxes 134-148.

1. Reason for any administrative or irregular placement (Boxes 157-159).

2. Entered only if the facility's security level where the inmate is placed is not consistent with his/her placement score.

(B) Enter one of the administrative determinant's three-letter code from section 3375.2.

(2) CSR approval of an administrative or irregular placement (administrative determinant) is valid only as long as the inmate's placement score remains within the same facility security level as when the approval was given.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code; Wright v. Enomoto (1976) 462 F Supp. 397; and Stoneham v. Rushen (1984) 156 Cal. App. 3d 302.

#### **Section 3375.4 is amended to read:**

#### **3375.4. CDC Reclassification Score Sheet, CDC Form 840, Calculation.**

The factors and their related numerical weights used to recalculate an inmate's preliminary score or new preliminary score listed below. Box numbers appear to the right, but refer to the first box on the left of each field.



(a) Favorable behavior since last review (Boxes 46-51). The categories below provide favorable points for six-month intervals. For an annual reclassification review, two six-month periods may be counted. When an inmate's status is interrupted during the period without inmate fault, the period shall be considered continuous.

(1) For each six-month period of continuous minimum custody, four points shall be entered in Boxes 46-47.

(2) For each six-month period since the last review with no serious disciplinary(s), two points shall be entered in Boxes 48-49.

(3) For each six-month period with an average or above performance in work, school or vocational program, two points shall be entered in Boxes 50-51.

(A) Part-time assignments which when work/program hours are added together are equivalent to a full-time assignment shall be combined.

(B) Favorable points shall not be granted for average or above average performance for inmates who are not assigned to a program.

(b) Unfavorable behavior since last review (Boxes 52-69):

(1) For each serious misbehavior for which the inmate was found guilty during any six-month review period, apply eight points for a Division A-1 or A-2 offense; apply six points for a Division B, Division C, or Division D offense; apply four points for a Division E or Division F offense. Only misbehavior which is equivalent to a serious rule violation as defined in section 3315, shall be recorded in Boxes 52-57. This includes behavior while in the county jail or conduct that occurred while the inmate was housed in another state or federal jurisdiction.

(A) Do not include any administrative rule violations.

(B) When the serious misbehavior also includes other factors listed in subsections (2) through (7) below, assess additional points for each applicable factor.

(2) For each battery on a nonprisoner or attempted battery on a nonprisoner during any six-month review period, eight points shall be entered in Boxes 58-59.

(A) Battery means any offense as described in section 3005(c) where criminal prosecution had, or would normally have, taken place.

(3) For each battery on an inmate or attempted battery on an inmate during any six-month review period, four points shall be entered in Boxes 60-61.

(A) Refers to situations where one or more inmates are clearly the victim. Usually results in

some injury involving a group attack or some type of weapon.

(B) Do not include mutual combat where both inmates were co-responsible.

(4) For each incident involving the distribution of any controlled substance, per subsection 3323(c)(7), in an institution/facility or contract health facility, for distribution and sales, four points shall be entered in Boxes 62-63. Points shall not be assessed for personal use or possession of a small quantity of drugs, or being under the influence.

(5) For each well-documented serious misbehavior for possession of a deadly weapon where apparent use was intended, 16 points shall be entered in Boxes 64-65. Points shall not be assessed for possession of commonly available and unmodified objects, unless they were used as weapons and that fact is documented in the disciplinary report. Include possession of a razor blade (whether modified or not) in a segregated program-housing unit (e.g., Administrative Segregation Unit, Security Housing Unit, Psychiatric Services Unit, etc.).

(6) For each serious disciplinary where the inmate led a facility riot, racial disturbance or work strike, four points shall be entered in Boxes 66-67. Include any willful and deliberate behavior which may have led to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, of the type described in section 3005.

(7) For each battery that caused serious injury, 16 points shall be entered in Boxes 68-69. Inmates who conspired in or ordered such battery shall receive the same points.

(A) Serious injury is that which is defined in Section 3000.

(B) Any attempted battery which may have been life threatening but circumstances such as heavy clothing prevented the homicide shall be included.

(c) Correction to CDC 840 Score Sheet (Prior to Rev.07/02) (Boxes 70-72).

(1) Use this section to correct a CDC 840 Score Sheet with a form revision date prior to 07/02.

(2) Enter only the total correction to the score, either negative or positive, in boxes provided.

(d) Prior Preliminary Score (Boxes 73-75):

(1) The prior preliminary score is the calculated score that appears on the most current classification score sheet. Enter that value in Boxes 73-75.

(2) When the most current score appears on the CDC Classification Score Sheet, CDC Form

839, (Rev. 12/02,) enter the value from that score sheet that is the preliminary score.

(3) When the most current score appears on the CDC Reclassification Score Sheet, CDC Form 840, (Rev 12/02), enter the value from that score sheet that is the new preliminary score.

(4) When the most current score appears on the CDC Readmission Score Sheet, CDC Form 841, (Rev. 12/02), enter the value from that score sheet that is the new preliminary score.

(e) Net Change in Score (Boxes 76-78):

(1) Combine the total favorable points (item C.4.) with the total unfavorable points (item D.8). Enter the total as a plus or minus value for net change in score.

(f) Preliminary Score Subtotal:

(1) The prior preliminary score subtotal is the combined value of the prior preliminary score and the net change in score.

(2) Record this value on the line provided.

(3) Computations that result in a minus value shall be entered as zero.

(g) Change in term points (Boxes 79-81):

(1) When an inmate receives a new or additional sentence to prison which changes the total term length, two points shall be added or subtracted for each year of difference between the new term and the old term. The resultant plus or minus figure is the change in term points.

(2) When the Board of Prison Terms establishes a parole date for an inmate with a life sentence:

(A) The total projected incarceration time in years and months is the term length.

(B) Multiply the total term length in years by two (2)

(C) Determine the difference between the new term points and the old term points. The resultant plus or minus figure is the change in term points.

(3) For parole violators: If a parole violator receives a new term after the CDC Form 841 (Rev. 12/02) has been endorsed, the prior term points shall be given a minus value and combined with new term points. The difference is the change in term points.

(4) Do not record a change in term points unless there is a change in the total term.

(h) Recalculation of the New Preliminary Score:

(1) The inmate's new preliminary score is entered in Boxes 82-84 and is the result of combining the preliminary score subtotal and any adjustments resulting from a change in term points as determined in subsection (g).

(2) Right-justify the total.

(3) Computations that result in zero or a minus value shall be entered as zero.

(i) Mandatory Minimum Score, Score Factors, and Score Factor Codes (Boxes 85-87):

(1) A mandatory minimum score is a score that is applied to an inmate who has a case factor that requires that he/she be housed no lower than a specific security level.

(2) A mandatory minimum score factor is a case factor that requires the application of a mandatory minimum score.

(3) A mandatory minimum score factor code is an alpha code associated with a mandatory minimum score factor.

(A) If an inmate has a case factor that requires the application of a mandatory minimum score factor code, enter the code that applies in Box 85.

(B) If one or more mandatory minimum score factors are present, determine which of the factors is associated with the highest score and enter that code in Box 85.

(C) Enter the mandatory minimum score that corresponds to the selected code in Boxes 86-87.

(j) Placement Score (Boxes 88-90).

(1) If there is no case factor requiring a mandatory minimum score, enter the new preliminary score as the placement score.

(2) If a mandatory minimum score is applied, and it is greater than the new preliminary score, enter the mandatory minimum score as the placement score.

(3) If a mandatory minimum score is applied, and it is less than the new preliminary score, enter the new preliminary score as the placement score.

(4) The placement score is one of the factors used to determine the security level to which the inmate is assigned.

(k) Classification Staff Representative (Boxes 115-188):

(1) The CSR determines appropriate housing in keeping with departmental needs, safety and security, the inmate's placement score and administrative determinants. The three-letter codes from section 3375.2 shall be used to indicate the administrative determinants.

(A) Up to five administrative determinants may be entered in Boxes 159-177.1. An asterisk (\*) shall be placed in the box adjacent to each administrative determinant which is being removed (i.e., no longer valid).

2. Reason for administrative or irregular placement (Boxes 186-188).

(B) Entered only if the facility's security level where the inmate is placed is in not consistent with the inmate's placement score.

(C) Enter one of the administrative determinant's three-letter code from section 3375.2.

(2) CSR approval of an administrative or irregular placement is only valid as long as the

inmate's placement score remains within the same facility security level score range as when the approval was given.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5608, Penal Code; Wright v. Enomoto (1976) 462 F.Supp. 397; and Stoneham v. Rushen (1984) 156 Cal.App.3d 302.

**Section 3375.5 is amended to read:**

**CDC Readmission Score Sheet, CDC Form 841, Calculation.**

The factors and their related numerical weights used to recalculate an inmate's preliminary score upon readmission to the department are: listed below. Box numbers appear to the right, but refer to the first box on the left of each field.

(a) Favorable behavior since last review (Boxes 48-53). The categories below provide favorable points for six-month intervals. When an inmate's status is interrupted during the period without inmate fault, the period shall be considered continuous.

(1) For each six-month period of continuous minimum custody, four points shall be entered in Boxes 48-49.

(2) Apply one-half favorable behavior points for less than a full six-month review period.

(3) Unfavorable behavior points shall be assessed at full value.

(B) For each six-month period since the last review with no serious disciplinary, two points shall be entered in Boxes 50-51.

(C) For each six-month period with an average or above performance in work, school or vocational program, two points shall be entered in Boxes 52-53.

1. Part-time assignments which, when work and program hours are added together, are equivalent to a full-time assignment shall be combined.

2. Favorable points shall not be granted for average or above performance for inmates who are not assigned to a program.

(b) Unfavorable behavior since last review (Boxes 54-71):

(1) For each serious misbehavior for which the inmate was found guilty during a six-month review period, apply eight points for a Divisions A-1 or A-2 offense; apply six points for a Division B, Division C, or Division D offense; apply four points for a Division E or Division F offense in Boxes 54-59. Only misbehavior that is equivalent to a serious rule violation, as defined in section 3315, shall be recorded. This includes behavior while in the county jail or conduct that occurred while the

inmate was housed in another state or federal jurisdiction.

(A) Do not include any administrative rule violations.

(B) When the serious misbehavior also includes other factors listed in subsection (2) through (7) below, assess additional points for each applicable factor.

(2) For each battery on a non-prisoner or attempted battery on a non-prisoner during any six-month review period, eight points shall be entered in Boxes 60-61.

(3) Battery means any offense as described in section 3005(c) where criminal prosecution had, or would normally have taken place.

(4) For each battery on an inmate or attempted battery on an inmate during any six-month review period, four points shall be entered in Boxes 62-63.

(A) Refers to situations where one or more inmates are clearly the victim. Usually results in some injury involving a group attack or some type of weapon.

(B) Do not include mutual combat where both inmates were co-responsible.

(5) For each incident involving the distribution of any controlled substance, per subsection 3323(c)(7), in an institution/facility or contract health facility, for distribution and sales, four points shall be entered in Boxes 64-65. Points shall not be assessed for personal use or possession of a small quantity of drugs, or being under the influence.

(6) For each well-documented serious disciplinary for possession of a deadly weapon where apparent use was intended, 16 points shall be entered in Boxes 66-67. Points shall not be assessed for possession of commonly available and unmodified objects, unless they were used as weapons and that fact is documented on the disciplinary report. Include possession of a razor blade (whether modified or not) in a segregated program-housing unit (e.g., Administrative Segregation Unit, Security Housing Unit, Psychiatric Services Unit, etc.).

(7) For each serious disciplinary where the inmate led a facility riot, racial disturbance or work strike, four points shall be entered in Boxes 68-69. Include any willful and deliberate behavior that may have led to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, of the type described in section 3005.

(8) For each battery that caused serious injury, 16 points shall be entered in Boxes 70-71. Inmates who conspired in or ordered the battery shall receive the same points.

(A) Serious injury is that which is defined in Section 3000.

(B) Any attempted battery which may have been life threatening but circumstances such as heavy clothing prevented the homicide shall be included.

(c) Prior Preliminary Score (Boxes 75-77):

(1) The prior preliminary score is the calculated score that appears on the most current classification score sheet. Enter that value in Boxes 75-77.

(2) When the most current score appears on the CDC Form 839 (Rev. 12/02), CDC Classification Score Sheet, enter the value from that score sheet that is the preliminary score.

(3) When the most current score appears on the CDC Form 840, (Rev. 12/02), CDC Reclassification Score Sheet, enter the value from that score sheet that is the new preliminary score.

(4) When the most current score appears on the CDC Form 841, (Rev. 12/02), CDC Readmission Score Sheet, enter the value from that score sheet that is the new preliminary score.

(d) Net Change in Score (Boxes 78-80):

Combine the total favorable points (item C.4.) with the total unfavorable points (Item D.8.). Enter the total as a plus or minus value for net change in score.

(e) Preliminary Score Subtotal

(1) The prior preliminary score subtotal is the combined value of the prior preliminary score and net change in score.

(2) Record this value on the line provided.

(3) Computations that result in a minus value shall be entered as zero.

(f) Change in term points (Boxes 81-83):

(1) If, during reception center processing, the inmate has been designated as a PVRTC, do not enter a value. This area is left blank for an inmate who has returned as a parole violator without a new term.

(2) If, subsequent to reception center processing, the parole violator receives a new term, record the change in term points, if any, on a CDC Form 840 (Rev. 12/02), Reclassification Score Sheet, as a result of this new term. Do not correct the CDC Form 841.

(3) If, during reception center processing, the inmate has been designated as a PVWNT, the prior term points shall be given a minus value and combined with the new term points. To determine the new term points, multiply the number of whole years times two. Drop months from the calculation.

(4) Any term point adjustments that may have been recorded on a previous CDC Form 840 or CDC Form 841 must also be taken into

consideration to determine the final total change in term points.

(5) Determine the difference between the new term points and the old term points. The resultant plus or minus figure is the change in term points.

(6) A change in the term points is recorded only if there is a change in the total term length.

(g) New Preliminary Score (Boxes 84-86):

(1) The inmate's new preliminary score is the result of combining the preliminary score subtotal with the change in term points (if any).

(2) Right-justify the total.

(3) Computations that result in zero or a minus value shall be entered as zero.

(h) Mandatory Minimum Score, Score Factors, and Score Factor Codes (Boxes 88-89):

(1) A mandatory minimum score is a score that is applied to an inmate who has a case factor that requires that he/she be housed no lower than a specific security level.

(2) A mandatory minimum score factor is a case factor that requires the application of a mandatory minimum score.

(3) A mandatory minimum score factor code is an alpha code associated with a mandatory minimum score factor.

1. If an inmate has a case factor that requires the application of a mandatory minimum score factor code, enter the code that applies in Box 87.

2. If one or more mandatory minimum score factors is present, determine which of the factors is associated with the highest score and enter that code in Box 87.

3. Enter the mandatory minimum score that corresponds to the selected code in Boxes 88-89.

(i) Placement Score (Boxes 90-92)

(1) If there are no case factors that require a mandatory minimum score, enter the new preliminary score as the placement score.

(2) If a mandatory minimum score has been applied, and it is greater than the new preliminary score, enter the mandatory minimum score as the placement score.

(3) If a mandatory minimum score has been applied, and it is less than the new preliminary score, enter the new preliminary score as the placement score.

(4) The placement score is one of the factors that is used to determine the security level to which the inmate is assigned.

(j) Classification Staff Representative (Boxes 117-181):

(1) The CSR determines appropriate housing in keeping with departmental needs, safety and security, the inmate's placement score and administrative determinants.

(A) The three-letter codes from section 3375.2 shall be used to indicate the administrative determinants. Up to five administrative determinants may be entered in Boxes 156-170.

(B) Reason for administrative or irregular placement (Boxes 179-181).

1. Entered only if the facility's security level where the inmate is placed is not consistent with his/her placement score.

2. Enter one of the administrative determinant's three-letter codes from section 3375.2.

3. CSR approval of an administrative or irregular placement is valid only as long as the inmate's Placement Score remains within the same facility security level as when the approval was given.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Section 5054, Penal Code.

### **3377. Facility Security Levels.**

Each camp, facility, or area of a facility complex shall be designated at a security level based on its physical security and housing capability. Reception centers are not facilities of assignment and are exempt from the security level designations except for the assignment of permanent work crew inmates. The security levels are:

(a) Level I facilities and camps consist primarily of open dormitories with a low security perimeter.

(b) Level II facilities consist primarily of open dormitories with a secure perimeter, which may include armed coverage.

(c) Level III facilities primarily have a secure perimeter with armed coverage and housing units with cells adjacent to exterior walls.

(d) Level IV facilities have a secure perimeter with internal and external armed coverage and housing units described in section 3377(c), or cellblock housing with cells non-adjacent to exterior walls.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code.